



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 24 2016

REPLY TO THE ATTENTION OF:  
WC-15J

**CERTIFIED MAIL 7009 1680 0000 7646 0101**  
**RETURN RECEIPT REQUESTED**

Dennis Zawodni  
Environmental Health and Safety Manager  
Safety-Kleen Systems, Inc.  
601 Riley Road  
East Chicago, Indiana 46312

Subject: Information Request  
Issued Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a)  
Docket No.

Dear Mr. Zawodni:

The U.S. Environmental Protection Agency is requiring Safety-Kleen Systems, Inc. (you) to submit certain information about its facility located at 601 Riley Road, East Chicago, Indiana. The enclosed Information Request specifies the information that you must submit. You are required to submit this information within 30 calendar days after you receive this request unless otherwise stated in the Requests for Information section of the attached Information Request.

EPA is authorized under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), to require reports and other information necessary to carry out the purpose of the CWA. Accordingly, pursuant to Section 308(a) of the CWA, you are directed to provide EPA with the information requested in the enclosure.

In accordance with Section V, Paragraph 2 of the Information Request, you must include with your response a statement certifying that all information you submit is true and accurate to the best of your knowledge and belief using the certification language provided in that paragraph. Any questions that do not directly relate to your facility's operations can be addressed with "not applicable" and a brief explanation.

Please exercise care to assure that responses are complete and accurate because Section 309(c)(2) of the CWA, 33 U.S.C. § 1319(c)(2), imposes criminal penalties where false information is knowingly provided to EPA.

You must submit a written response, with the information requested in the enclosure, within the timeframes specified to:

Water Enforcement and Compliance Assurance Branch (WC-15J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Attention: Ray Cullen, Environmental Engineer

Thank you for your cooperation in this matter. Should you have any questions, please contact Ray Cullen of my staff by telephone at (312) 886-0538 or by e-mail at [cullen.raymond@epa.gov](mailto:cullen.raymond@epa.gov).

Sincerely,



Patrick Kuefler, Chief  
Water Enforcement and Compliance Assurance Branch

Enclosure

cc: Natalie Maupin, IDEM, w/enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Safety-Kleen Systems, Inc.

601 Riley Road  
East Chicago, Indiana 46312

) Docket No. V-W-17-308-01  
)  
)

) Proceeding under Section 308(a) of  
) the Clean Water Act, as amended,  
) 33 U.S.C. § 1318(a)  
)

**INFORMATION REQUEST**

**I. STATUTORY AUTHORITY**

1. The U.S. Environmental Protection Agency is issuing this Information Request to Safety-Kleen Systems, Inc. ("Safety-Kleen" or "you") pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has re-delegated this authority to the Director of the Water Division, EPA Region 5. On January 29, 2015, the Director of the Water Division, EPA Region 5 re-delegated this authority to the Chief of the Water Enforcement and Compliance Assurance Branch, EPA Region 5.
2. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out the objective of this chapter, the Administrator of EPA shall require the owner or operator of any point source to: establish and maintain such records, make such reports, and provide such other information as she may reasonably require.

**II. INSTRUCTIONS**

1. You must complete each of the requests and submit the required and appropriate documentation specified in this Information Request according to the schedule(s) specified below.
2. Submission instructions are in Section V of this Information Request.
3. Within seven calendar days of your receipt of this Information Request, you must notify EPA, in writing, as to whether you intend to comply with this Request.
4. If you do not have documents responsive to a particular request, state in your written response that you do not have responsive documents.



5. You must keep all Records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that you are no longer required to keep the Records, or for five years, whichever is sooner.

### III. DEFINITIONS

All terms used in this information request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. 1251 *et seq.*, or 40 C.F.R. Parts 403 or 437.

1. "Day" or "days" means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
2. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
3. "Record" means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
4. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
5. "You" for purposes of this Information Request refers to Safety-Kleen and to any agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of, Safety-Kleen.

### IV. REQUESTS

Safety-Kleen must submit the following information pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), within 30 calendar days regarding its facility located at 601 Riley Road, East Chicago, Indiana (Facility), unless otherwise noted.

1. For each waste shipment received and accepted by the Facility (a) by barge within the 3-year period immediately prior to the date of receipt of this Information Request, and (b) by trailer and railcar within the 30-day period immediately prior to the date of receipt of this Information Request, provide the following:

- a. The 40 C.F.R. Part 437 subcategory (Subpart A – Metals Treatment and Recovery, Subpart B – Oils Treatment and Recovery, or Subpart C – Organics Treatment and Recovery) to which it belongs;
  - b. An explanation of the process through which you determined applicability of the subcategory provided in 1.a, above, including all facts you relied on and analyses conducted in support of this determination;
  - c. The date/time received;
  - d. The volume;
  - e. Whether it contained comingled waste (i.e., waste from multiple generators);
  - f. The name of the generator(s) of the waste or, for comingled waste, the name of the collection facility;
  - g. The bill of lading;
  - h. The waste manifest;
  - i. Surveys, waste acceptance forms, or other such forms describing its characteristics completed by you or the shipper of the waste;
  - j. Certifications with regard to its quality or characteristics;
  - k. Logs of inspections of the transport vessel conducted by Safety-Kleen or an off-site contractor;
  - l. The results of all lab screenings and fingerprint analyses conducted by Safety-Kleen or an off-site contractor prior to acceptance; and
  - m. The results of all sampling conducted prior to treatment.
2. A detailed explanation of Safety-Kleen's waste acceptance procedures;
3. Any and all documents related to the refusal to accept any waste shipment received by the Facility within the 3-year period immediately prior to the date of receipt of this Information Request, including the reason for refusal;
4. A list of all waste collection facilities from which the Facility received waste shipments within the 3-year period immediately prior to the date of receipt of this Information Request. Indicate whether the waste collection facility is owned and/or operated by Clean Harbors Environmental Services, Inc. or one of its subsidiaries (including other Safety-Kleen facilities);
5. If applicable, a list of all facilities to which you sent waste within the 3-year period immediately prior to the date of receipt of this Information Request. Describe the circumstances which necessitated transporting waste for treatment or storage from the Facility to these sites;
6. For each waste generator or waste collection site from which Safety-Kleen received waste shipments within the 3-year period immediately prior to the date of receipt of this Information Request provide:
  - a. Any and all contracts Safety-Kleen has with that entity with regard to waste shipments; and
  - b. The date when Safety-Kleen began receiving waste shipments from that entity.



7. A flow diagram representing the current wastewater treatment process at the Facility, with identification of all units, their capacity, and purpose;
8. During the May 2016 inspection conducted by EPA of the Facility, you stated that the maximum flowrate through the wastewater treatment process before it experiences backup is 150 gallons per minute. Describe the procedure you follow when the flowrate approaches this value and the procedure you follow when it exceeds 150 gallons per minute;
9. The date when you completed repairs to V-601 ("API rope skimmer"), for which you made a repair request in March 2016, and the date when you put the unit back into service;
10. The date when you put into service the replacement dechlorination pump (received by the Facility on or around May 25, 2016);
11. The results of all monitoring and/or testing for chlorine that you conducted from the date the replacement dechlorination pump (received by the Facility on or around May 25, 2016) was put into service to the present;
12. A detailed explanation for the replacement of Tank 600 with Tank 601 (in particular, describe how it improves the treatment ability of the wastewater treatment process);
13. The date when you put back into service Tank 602 after the cleaning and sediment removal that you expected to have completed by the end of June 2016;
14. A detailed explanation of how you use Tanks 601 and 602 to address potential cyanide in the wastewater before it is discharged to the East Chicago Sanitary District's (ECSD's) publicly-owned treatment works;
15. The results of the cyanide system analysis that was to have been completed by August 30, 2016, as indicated in a letter dated April 1, 2016, that you submitted to Gregory D. Crowley of ECSD regarding an update of efforts you have taken to improve wastewater discharge quality;
16. During the May 2016 inspection, EPA observed a sump in the wastewater treatment process surrounded by quick-connect hoses and oily water (Attachment A). Describe where the liquid collected in this sump goes and indicate whether the oily water is stormwater or process wastewater;
17. During the May 2016 inspection, EPA observed a drain near a fire hydrant outside of the Facility's fenceline on Indianapolis Boulevard (Attachment B). Describe where the drain leads and whether it receives stormwater or process wastewater. In addition, explain the disconnected pipe shown in the attached photo and the plans you have for it;

18. During the May 2016 inspection, EPA observed oil on the surface of the canal on the south of the Facility for the length of the Facility's fenceline, concentrated at the shoreline and extending approximately 25 feet into the canal. Explain the origin of this oil and if the origin of this oil was a discharge from your Facility, explain the cause for discharge of this oil;
19. Identification of the owner of the pipe exiting the Facility leading into the canal on the south side of the Facility (Attachment C);
20. A detailed explanation of Safety-Kleen's procedure for transferring liquid from within the West Tank Farm containment area to the gravel area outside of its walls;
21. Any and all documents with regard to each instance when you transferred liquid from within the West Tank Farm containment area to the gravel area outside of its walls within the 3-year period immediately prior to the date of receipt of this Information Request. Include whether you observed an oily sheen on the surface of the transferred liquid and the estimated volume of the transferred liquid;
22. Any and all correspondence you have had with ECSD with regard to railcar cleaning at the Facility, including any application to modify the Facility's industrial wastewater discharge permit that you submitted; and
23. Any and all documents that include determinations, engineering assessments, or associated explanations made regarding applicability of 40 C.F.R. Part 437 to any operations or equipment at the Facility.

## V. SUBMITTALS

1. Submit your response to this Information Request within the time-frame described above to:

Water Enforcement and Compliance Assurance Branch (WC-15J)  
Attention: Ray Cullen  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

2. You must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant



penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

3. If you find at any time after submitting information to EPA that any portion of the submittal is false or incorrect, you must notify EPA immediately. Knowing submission of false information to EPA in response to this Information Request may subject you to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.
4. You may not withhold information because you claim it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Information Request, as provided in 40 C.F.R. § 2.302(a)(2). The regulations provide that a person may assert a business confidentiality claim covering part or all of the information furnished to EPA when that person submits the information. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and information in National Pollutant Discharge Elimination System permit applications is not entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If you do not assert a claim of business confidentiality when you submit the information, EPA may make the information available to the public without further notice.
5. This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.
6. EPA may use the information submitted in response to this Information Request in an administrative, civil, or criminal action.
7. Neither the issuance of this Information Request by EPA nor your compliance with this Information Request relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g), including but not limited to those related to any violations addressed by this Information Request. EPA specifically reserves the right to seek any of the remedies specified in Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g).
8. There can be significant civil or criminal penalties for failing to adequately respond to requests for information issued under Section 308(a) of the CWA, 33 U.S.C. § 1318(a).



9. If you have any questions about this Information Request, contact Ray Cullen of my staff by telephone at (312) 886-0538, or via email at [cullen.raymond@epa.gov](mailto:cullen.raymond@epa.gov).

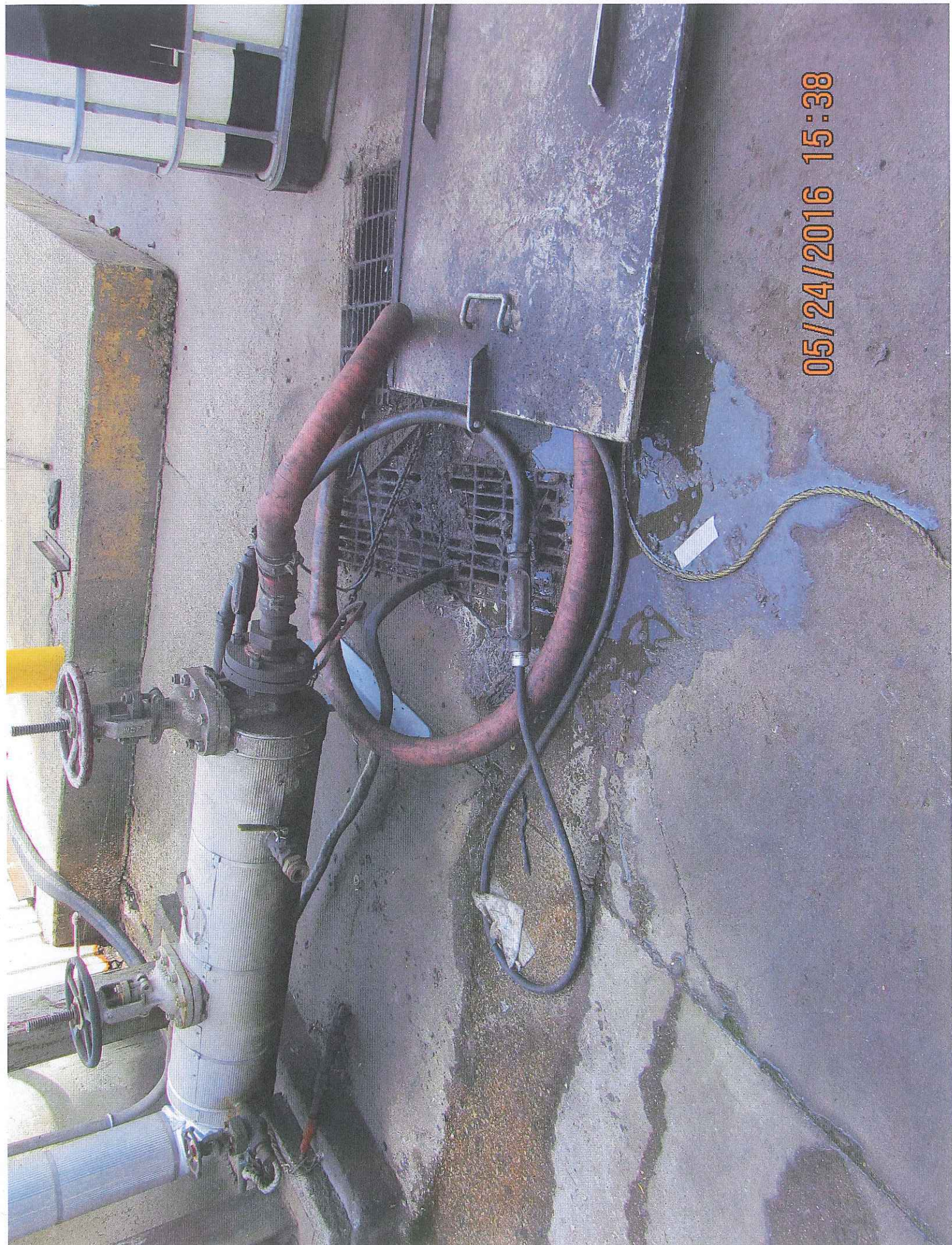


Patrick Kuefler  
Chief, Water Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5

10/18/16  
Date

# Attachment A





05/24/2016 15:38



# Attachment B





05/26/2016 13:24



# Attachment C



05/26/2016 10:24

